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### **REMARKS**

In response to the Office Action mailed May 31, 2007 (hereinafter "Office Action"), claim 13 has been amended merely to correct a minor grammatical error and not to limit what is claimed. No claims have been newly added or cancelled. Therefore, claims 1-8 and 10-13 remain pending. In view of the foregoing amendments and the following comments, allowance of all the claims pending in the application is respectfully requested.

### **REJECTIONS UNDER 35 U.S.C. §112**

Claims 7 and 12-13 were rejected under 35 U.S.C. §112, second paragraph as allegedly failing to particularly point out and distinctly claim the subject matter which Applicant regards as his invention. Applicant strenuously disagrees and respectfully traverses this rejection.

In particular, the Office Action alleges that the term "an alert device" as recited in claim 7, the term "an indication unit" as recited in claim 12, and the terms "a requester," "a comparator," "an input," and "an output" as recited in claim 13 are indefinite because the Specification does not clearly "redefine" the terms.

Applicant wishes to remind the Examiner that a claim term that is not used or defined in the Specification is *not indefinite* if the meaning of the claim term *is discernible*. Moreover, if the language of the claim is such that a person of ordinary skill in the art could not interpret the metes and bounds of the claim so as to understand how to avoid infringement, a rejection of the claim under 35 U.S.C. §112, second paragraph, would be appropriate. However, if the language used by Applicant satisfies the statutory requirements of 35 U.S.C. §112, second paragraph, but the Examiner merely wants the Applicant to improve the clarity or precision of the language used, the claim must not be rejected under 35 U.S.C. §112, second paragraph, rather, the Examiner should suggest improved language to the Applicant. *See*, MPEP §2173.02.

Equally important is the Examiner's misunderstanding of the "redefining of a claim term" rule. This rule only applies to situations where the recited claim term has a meaning *contrary to its ordinary meaning*. This is clearly not the case in the instant application.

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Thus, Applicant submits that the above claims terms are discernible to artisans of ordinary skill and are thus definite and particularly point out the claimed invention. Moreover, Applicant respectfully request that the rejection under 35 U.S.C. §112, second paragraph be withdrawn and the claims be allowed.

### **REJECTIONS UNDER 35 U.S.C. §101**

Claims 1-8 and 10-13 stand rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Applicant respectfully traverses this rejection.

Claim 1 is directed to a method for detecting a copied international mobile equipment identity in a mobile system in which at least one international mobile subscriber identity and a mobile equipment identity is associated with a mobile station and recites, *inter alia*, creating a database containing records which each contain a mobile equipment identity associated with a mobile station and at least one mobile subscriber identity, the mobile station transmitting the mobile equipment identity associated with the mobile station and at least one mobile subscriber identity, checking first whether there is a record in the database, which contains a mobile equipment identity corresponding to the mobile equipment identity transmitted by the mobile station, and if there is said record in the database, checking further in response to said record being found whether the record includes a mobile subscriber identity corresponding to the mobile subscriber identity transmitted by the mobile station, and, if there is no record in the database, producing at least a signal indicating that the mobile equipment identity is possibly a copied one in claim 1.

Thus, claim 1 is clearly statutory subject matter under 35 U.S.C. §101 as it recites a new and useful process.

Applicant points out that MPEP § 2107.02 II. states that “[u]pon initial examination, the examiner should review the specification to determine if there are any statements asserting that the claimed invention is useful for any particular purpose. A complete disclosure should include a statement which identifies a specific and substantial utility for the invention.”

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Further, MPEP § 2107.02 II.A. states that “[a] statement of specific and substantial utility should fully and clearly explain why the applicant believes the invention is useful. Such statements will usually explain the purpose of or how the invention may be used (e.g., a compound is believed to be useful in the treatment of a particular disorder). Regardless of the form of statement of utility, it must enable one ordinarily skilled in the art to understand why the applicant believes the claimed invention is useful.”

Moreover, MPEP § 2107.02 III.A. states that “[a]s a matter of Patent Office practice, a specification which contains a disclosure of utility which corresponds in scope to the subject matter sought to be patented must be taken as sufficient to satisfy the utility requirement of §101 for the entire claimed subject matter unless there is a reason for one skilled in the art to question the objective truth of the statement of utility or its scope.” (emphasis in original.)

With this said, Applicant has provided ample disclosure of a specific and substantial utility for the invention. For example, the written description discloses that

information on the equipment identities IMEI of the terminal equipment of mobile stations already registered into the system and on the subscriber identities IMSI is maintained in a database of the network infrastructure, a first comparison is performed by checking whether the equipment identity transmitted by the mobile station to the network infrastructure exists among the equipment identities already in said database, and if it exists, another comparison is performed to see whether the mobile station has the same subscriber identity as the mobile stations having said identical equipment identity in the network infrastructure database, and if it has, the operation of the mobile station is continued. If the subscriber identities of the second comparison are not identical, at least a signal is produced to indicate a possibly copied equipment identity. These comparisons can be performed when a mobile station registers into a mobile system, for instance, and/or during a location update between switching centres.” (See, Specification par. [0011]).

Consistent with these disclosures, independent claim 1 is clearly directed to a new and useful process, for example, a method for detecting a copied international mobile equipment identity in a mobile system in which at least one international mobile subscriber identity and a mobile equipment identity is associated with a mobile station.

Applicant submits that the subject matter of claim 1, and the recitations contained therein, provide a practical, real world application. That is, artisans of ordinary skill cannot

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deny that the claimed detection of a copied international mobile equipment identity, in and of itself, a *concrete, tangible, useful* result.

For *at least* these reasons, Applicant respectfully submits that independent claim 1 and dependent claims 2-6 are clearly directed to statutory subject matter and are patentable. As such, the immediate withdrawal of the §101 rejections of these claims is respectfully requested.

Claim 7 is directed to a mobile system and recites, *inter alia*, a receiving device configured to receive an international mobile equipment identity and at least one international mobile subscriber identity from at least one mobile station; a database configured to contain records, each containing a mobile equipment identity associated with a mobile station and at least one mobile subscriber identity; a first identity device configured to first check whether the database contains a record which contains a mobile equipment identity corresponding to the mobile equipment identity transmitted by the mobile station; a second identity device configured to further check, in response to said record being found by the first identity device, whether a mobile subscriber identity contained in said record corresponds to that transmitted by the mobile station; and an alert device configured, in response to the second identity device to produce a signal indicating that the mobile equipment identity is possibly a copied one in claim 7.

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Thus, claim 7 is clearly statutory subject matter under 35 U.S.C. §101 as it recites a new and useful machine. In addition to the remarks above, Applicant submits that the subject matter of claim 7, and the recitations contained therein, provide a practical, real world application. That is, artisans of ordinary skill cannot deny that the claimed system configured to produce a signal indicating that the mobile equipment is possibly a copied one, in and of itself, a ***concrete, tangible, useful*** result.

For *at least* these reasons, Applicant respectfully submits that independent claim 7 and dependent claim 8 are clearly directed to statutory subject matter and are patentable. As such, the immediate withdrawal of the §101 rejections of these claims is respectfully requested.

For reasons similar to those above, claims 10-12 are statutory subject matter and are patentable. Independent claims 8 and 12 recites a new and useful machine having a ***concrete, tangible, useful*** result. As such, the immediate withdrawal of the §101 rejections of these claims is respectfully requested.

Claim 13 is directed to a computer program product embodied in a computer readable medium for detecting a copied international mobile equipment identity in a mobile system in which at least one international mobile subscriber identity and a mobile equipment identity is associated with a mobile station and recites, *inter alia*, a database configured to contain records, each of which contains a mobile equipment identity associated with a mobile station and at least one mobile subscriber identity; an input for receiving an international mobile equipment identity and at least one international mobile subscriber identity from at least one mobile station; a requester configured to request at least one international mobile subscriber identity from the database on the basis of the received international mobile equipment identity, wherein the mobile equipment identity associated with the mobile station is an registered in the mobile system; a comparator configured to compare the requested international mobile subscriber identity corresponds to the received international mobile subscriber identity; and an output configured to, responsive to a result of the comparator, produce, if the requested international mobile subscriber identity does not correspond to the received international mobile subscriber identity, at least a signal indicating that the mobile equipment identity is possibly a copied one in claim 13.

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Applicant points out that the M.P.E.P. guidelines make it absolutely clear that a claimed computer-readable medium encoded with a data structure *defines structural and functional interrelationships between the data structure* and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus *statutory*. (M.P.E.P. §2106.IV.B.1.(a) at pp. 2100-12 and 2100-13). These guidelines are based on the well-settled principles established by the Federal Circuit which held that claims imposing physical organization of data are statutory. (*See, In re Lowry*, 32 USPQ.2d 1031, 1034 (Fed. Cir. 1994) (the claims did not “seek to patent the content of information resident in a database . . . [r]ather, Lowry’s data structures impose a physical organization on the data”).

Thus, for computer-readable media claims to be statutory, the guidelines do *not* require that the claims *additionally recite* functional interrelationships to the medium to control the medium or structural components to provide certain functions that are processed by a computer. Rather, to be statutory, the guidelines merely require that such computer-readable media claims provide a data structure or organization of the data in which the necessary structural and functional interrelationships are automatically defined.

For reasons similar to those above, claim 13 is statutory subject matter and is patentable. As such, the immediate withdrawal of the §101 rejections of these claims is respectfully requested.

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**CONCLUSION**

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Final Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

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